

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of)	Case No.: C 05-4044
)	
TUTOR-SALIBA/KOCH/TIDEWATER)	
JV,)	[PROPOSED] ORDER DIRECTING
)	ISSUANCE OF MONITION AND
Plaintiff,)	INJUNCTION
)	
For Exoneration from or Limitation of)	
Liability.)	
_____)	

A complaint having been filed in this Court by TUTOR-SALIBA/KOCH/TIDEWATER JV ("Plaintiff") on October 6, 2005 as owners *pro hac vice* of a flexi-barge designated as EM1010 (the "Barge") seeking exoneration from or limitation of liability as provided for by statute, for all losses, injuries, damages, and deaths resulting or arising from the subject incident involving the alleged injuries suffered by Thadd Brusseau while aboard the Barge on or about August 13, 2004; and

It appearing from Plaintiff's complaint that the value of the Barge after the incident does not exceed \$655,000.00, and that claims may be asserted against Plaintiff for loss, injuries, damage, or death, and that said claims are subject to limitation in the action now on file in this Court; and

Upon the application of the Plaintiff's, IT IS HEREBY ORDERED that a notice and monition issue out of and under the seal of this Court to and against all persons and entities claiming losses, damages, injuries, or death resulting or arising from the subject incident of

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the Barge admonishing them to appear and file their respective claims and answers with the Clerk of this Court on or before December 1, 2005, and to make due proof of their respective claims in such manner as may hereinafter be directed by further order of this Court, with liberty to any claimants who have duly filed their claims to answer Plaintiff's complaint and to file such answer with the Clerk of this Court on or before the date specified above; and

IT IS FURTHER ORDERED that Plaintiff's shall give public notice of said monition pursuant to Federal Rules of Civil Procedure, Supplemental Rule F(4) for Certain Admiralty and Maritime Claims, by causing such notice to be published in a newspaper of general circulation in San Francisco, California, once per week for four consecutive weeks prior to the date fixed herein for the filing of claims; and

IT IS FURTHER ORDERED that not later than the date of the second publication of said notice, the Plaintiff shall mail a copy of said notice to every person and entity known to have made any outstanding claim against the Plaintiff or the Barge arising from the subject voyage; and

IT IS FURTHER ORDERED that the institution or prosecution of any suit, action, or other legal or administrative proceeding of any nature in any venue (outside these proceedings) against Plaintiff's or the Barge regarding any claim resulting or arising from the subject voyage ARE HEREBY ENJOINED, said injunction to remain in effect until the determination of this action in this Court; and

IT IS FURTHER ORDERED that service of this order as an Injunction shall be made by delivering a certified copy hereof to the person or persons to be enjoined, or to their respective attorneys or representatives.

SO ORDERED this 14th day of October, 2005, at San Francisco, California.

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JUDGE OF THE DISTRICT COURT
For the Northern District of California

